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Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DENISE ROGERS,

Plaintiff,

vs.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,<sup>1</sup>

Defendant.

)  
) Case No.: 2:20-cv-02272-EJY

)  
) **UNOPPOSED MOTION FOR EXTENSION OF**  
) **TIME**

)  
) **(FIRST REQUEST)**

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned  
2 counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and Response to  
3 Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner  
4 respectfully states as follows:

5 1. Primary responsibility for handling this case has been delegated to the Office of the  
6 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

7 2. Defendant’s response to Plaintiff’s opening brief is currently due August 18, 2021.  
8 Defendant has not previously requested an extension of time for this deadline.

9 3. The Region IX Office currently handles all district and circuit court litigation involving  
10 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

11 4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation  
12 involving the Social Security program in these eight assigned jurisdictions, at least part-time. Between  
13 July 15, 2021, and August 14, 2021, the Region IX Office has 247 district court briefs due in the  
14 jurisdictions it handles. In addition, the Region IX Office has five appellate cases requiring briefing  
15 before the United States Court of Appeals for the Ninth Circuit during that period.

16 5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX Office  
17 maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time  
18 to these workloads. The Region IX Office provides a full range of legal services as counsel for the Social  
19 Security Administration, in a region that covers four states (including the most populous state in the  
20 nation) and three territories. These other workloads include employment litigation; civil rights  
21 investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including  
22 employee conduct and performance, reasonable accommodation, hostile work environment, ethics,  
23 Privacy Act and disclosure, torts, property, and contracts.

24 6. The undersigned attorney has eight briefs due in district court cases over the next month.  
25 This number is expected to increase in the next week, with more Plaintiff’s briefs to be filed. In addition  
26 to cases in the active briefing stage, the undersigned must also allocate time to work on cases in other

1 stages of litigation. Since Plaintiff's opening brief was filed, the undersigned has worked on over 25  
2 district court cases at varying stages of litigation. Counsel is also responsible for other substantive non-  
3 litigation matters in the Region IX Office.

4 7. Due to the volume of the overall workload within the Region IX Office, neither the  
5 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete  
6 briefing by the current due date of August 18, 2021. Therefore, Defendant seeks an extension of 14 days,  
7 until September 1, 2021, to respond to Plaintiff's motion.

8 8. This request is made in good faith and is not intended to delay the proceedings in this  
9 matter.

10 9. On August 16, 2021, counsel for Defendant conferred with Plaintiff's counsel, who has no  
11 opposition to this motion.

12 WHEREFORE, Defendant requests until September 1, 2021, to respond to Plaintiff's Motion for  
13 Reversal and/or Remand.

14  
15 Dated: August 16, 2021

16 CHRISTOPHER CHIOU  
Acting United States Attorney

17 /s/ Allison J. Cheung  
18 ALLISON J. CHEUNG  
Special Assistant United States Attorney

19  
20  
21 IT IS SO ORDERED:

22 Raymond J. Zouchak  
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: August 16, 2021  
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